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Paper No. 7

THOMASON, MOSER & PATTERSON, LLP
Suite B
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Palo Alto CA 94306-4036

COPY MAILED

In re Application of
Herndon, Pham, and Menoud
Application No.: 09/896,006
Filed: June 28, 2001
Attorney Docket No: 8032988/JAS
For: RESONANT SHIFTING AND REDUCTION
OF MODAL DISPLACEMENT
FOR IMPROVED ACOUSTICS

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MAR 06 2002
OFFICE OF PETITIONS
DECISION ACCORDING
STATUS UNDER
RULE 47(a)

This is in response to the petition under 37 CFR 1.47(a), filed February 12, 2002, certificate of mailing dated January 22, 2002.

The petition is **GRANTED**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

A "Notice to File Missing Parts of Non-Provisional Application" ("Notice") was mailed to petitioner on August 20, 2001, indicating that petitioner neglected to file a proper oath or declaration in compliance with 37 CFR 1.63. The Notice also advised petitioner that a \$130.00 surcharge was also due because a proper oath or declaration was not timely filed. The Notice set forth a period of reply of two months from its mailing date and indicated that extensions of time for reply were available pursuant to 37 CFR 1.136(a).

In response thereto, petitioner filed a request for a three-month extension of the time set for reply and the instant petition. Petitioner also filed several accompanying exhibits through which petitioner established that although the inventor Menoud was mailed and e-mailed the complete application papers (specification, abstract, claims, and assignment) inventor Menoud declined to execute the declaration. It is noted that inventor Menoud executed and returned the assignment that accompanied the application, but did not return the declaration. Inventor Menoud's failure to return the declaration, in spite of his presumed receipt of the same, will be interpreted as constructive refusal to join the prosecution of the application.

Petitioner has shown that the non-signing inventor has refused to join the filing of the above-identified application after having been presented with the application papers, and the above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Pursuant to the authorization provided by petitioner, deposit account 20-0782 will be charged \$130.00 for the petition fee.

Petitioner is advised that the firm name as cited on the instant petition, "Moser, Patterson & Sheridan, LLP" differs from the name cited on the declaration and in Office records ("Thomason, Moser & Patterson, LLP.") Petitioner should provide appropriate written instructions to the Office, as soon as possible, clarifying the name of the firm.

This application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries should be directed to Kenya A. McLaughlin, Petitions Attorney, at (703) 305-0010.



Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



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Filed: June 28, 2001 :
For: RESONANT SHIFTING AND REDUCTION :
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OFFICE OF PETITIONS
LETTER

Dear Mr. Menoud:

You are a joint inventor in the above-identified United States patent application filed under provisions of 35 U.S.C 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application, you will be designated as a joint inventor.

As you are a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19), or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Kenya A. McLaughlin, Petitions Attorney, at (703) 305-0010. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington, DC area).

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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